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09/994,023	11/27/2001	Andrew Mark Nightingale	550-286	1196

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NIXON & VANDERHYE P.C.  
1100 North Glebe Rd., 8th Floor  
Arlington, VA 22201-4714

EXAMINER

ALHIJA, SAIF A

ART UNIT	PAPER NUMBER
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2128

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/994,023

Applicant(s)

NIGHTINGALE, ANDREW MARK

Examiner

Saif A. Alhija

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

**Detailed Action**

1. Claims 1-30 have been presented for examination based on the application filed on 27 November 2001.

**Claim Rejections - 35 USC § 101**

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. **Claims 1-30** are rejected under 35 U.S.C. 101 because
  - A) **Claims 1 and 11** are rejected because the claimed invention is directed to non-statutory subject matter. The Examiner asserts that the current state of the claim language is such that a reasonable interpretation of the claims would not result in any useful, concrete or **tangible** product. The Examiner asserts that the claims do not indicate if the methods or apparatus are tangible methods or apparatus in the form of hardware, instead of an arrangement of software lacking tangible embodiment.

- B) **Claim 21** is rejected because the claimed invention is directed to non-statutory subject matter.

The claim recites a computer program. It should be noted that code (i.e., a computer software program) does not do anything per se. Instead, it is the code stored on a computer that, *when executed*, instructs the computer to perform

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various functions. The following claim is a generic example of a proper computer program product claim;

A computer program product embodied on a computer-readable medium and comprising code that, when executed, causes a computer to perform the following:

Function A  
Function B  
Function C, etc...

**C) Claims 2-10, 12-20, and 22-30, are rejected by virtue of their dependency.**

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined

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under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. **Claim(s) 1-30** are rejected under 35 U.S.C. 102(e) as being clearly anticipated by **Rajsuman et al. "Method and Apparatus for SOC Design Validation" U.S. Patent 6,678,645.**

**Regarding Claims 1, 11, and 21**

**Rajsuman et al. discloses** an apparatus, method, and computer program for simulating data processing operations performed by a data processing apparatus, said apparatus comprising:

a hardware simulator responsive to one or more stimulus signals to generate one or more response signals simulating a response of said data processing apparatus to said one or more stimulus signals if applied to said data processing apparatus; (Column 5, Lines 41-48)

a plurality of signal interface controllers (labeled as Verification Unit in **Rajsuman et al.**) coupled to said hardware simulator, each signal interface controller serving to perform one or more simulation actions transferring at least one of one or more stimulus signals and one or more response signals between a corresponding portion of said hardware simulator and said signal interface controller as part of simulating said data processing operations; (Column 5, Lines 43-44) and

a test scenario manager coupled to said plurality of signal interface controllers and operable to transfer test scenario controlling messages to said

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plurality of signal interface controllers, at least one of said test scenario

controlling messages including: (Column 5, Lines 32-34)

(i) data defining a simulation action to be performed by a signal interface controller; and (Column 5, Lines 32-38)

(ii) data defining when said signal interface controller should perform said simulated action. (Column 10, Lines 25-26)

### **Regarding Claims 2, 12, and 22**

**Rajsuman et al. discloses** an apparatus, method, and computer program dependent on Claims 1, 11, and 21 respectively; wherein said data defining when said signal interface controller should perform said simulated action includes at least one of:

(i) a time value; (Column 10, Lines 25-26)

(ii) a delay value; and

(iii) a value specifying said simulated action should be performed when a specified event is simulated as occurring. (Column 10, Lines 35-36)

### **Regarding Claims 3, 13, and 23**

**Rajsuman et al. discloses** an apparatus, method, and computer program dependent on Claims 1, 11, and 21 respectively; wherein said test scenario manager includes a shared data memory into which a signal interface controller may store data using a test scenario controlling message sent from said signal

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interface controller to said test scenario manager, said data being readable from said shared data memory by at least one of:

- (i) another signal interface controller; and
- (ii) said test scenario manager. (Column 12, Lines 29-33)

**Regarding Claims 4, 14, and 24**

**Rajsuman et al. discloses** an apparatus, method, and computer program dependent on Claims 3, 13, and 23 respectively; wherein a first signal interface controller is responsive to simulation results captured by a second signal interface controller, written to said shared data memory by said second signal interface controller and then read from said shared data memory by said first signal interface controller. (Column 8, Lines 2-5, and Figure 6, Elements 671-676, 76, and 661-665)

**Regarding Claims 5, 15, and 25**

**Rajsuman et al. discloses** an apparatus, method, and computer program dependent on Claims 1, 11, and 21 respectively; wherein said hardware simulation is simulated using software running upon a general purpose computer. (Column 5, Lines 32-34)

**Regarding Claims 6, 16, and 26**

**Rajsuman et al. discloses** an apparatus, method, and computer program dependent on Claims 1, 11, and 21 respectively; wherein each signal interface

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controller includes an action queue of simulation actions to be performed by said signal interface controller. (Column 8, Lines 13-15)

**Regarding Claims 7, 17, and 27**

**Rajsuman et al. discloses** an apparatus, method, and computer program dependent on Claims 6, 16, and 26 respectively; wherein each signal interface controller includes a test scenario manager interface operable to exchange test scenario controlling messages with said test scenario manager and to add simulation actions to said action queue. (Column 8, Lines 6-9, and 13-15)

**Regarding Claims 8, 18, and 28**

**Rajsuman et al. discloses** an apparatus, method, and computer program dependent on Claims 6, 16, and 26 respectively; wherein each signal interface controller includes a peripheral interface operable to transform simulation actions specified in said action queue into signal values exchanged with said hardware simulation. (Column 6, Lines 62-63)

**Regarding Claims 9, 19, and 29**

**Rajsuman et al. discloses** an apparatus, method, and computer program dependent on Claims 1, 11, and 21 respectively; wherein test scenario manager sends a machine generated sequence of simulation actions to said plurality of signal interface controllers to perform random simulation testing of said data processing apparatus. (Column 2, Lines 31-32)



**Regarding Claims 10, 20 and 30**

**Rajsuman et al. discloses** an apparatus, method, and computer program dependent on Claims 1, 11, and 21 respectively; wherein said test scenario manager is operable as a master device and said plurality of signal interface controllers are operable as slave devices to said master device. (Column 13, Lines 7-10)

**Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These references include:

1) "Towards Design And Validation Of Mixed-Technology SOCs", S. Mir , B. Chariot , G. Nicolescu , R Coste , E Parrain , N. Zergainoh, B. Courtois , A. Jerraya and M. Rencz. 2000

2) "An Efficient Architecture Model for Systematic Design of Application-Specific Multiprocessor SoC". Amer Baghdadi Damien Lyonnard Nacer-E. Zergainoh Ahmed A. Jerraya. 2001.

3) "Nuts and Bolts of Core and SoC Verification". Ken Albin. 2001.

5. All Claims are rejected.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saif A. Alhija whose telephone number is (571) 272-8635. The examiner can normally be reached on M-F, 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jean Homere can be reached on (571) 272-3780. The

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fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 2005

JEAN R. HOMERE  
PRIMARY EXAMINER